

Application No.: 09/489,600
Amendment

REMARKS

Reconsideration of the application in view of the following remarks is respectfully requested. The subject Response is submitted in response to the office action mailed on December 03, 2002. Claims 1-18 remain pending in the application.

The Examiner has rejected claims 1-5, 7-11 and 13-17 under 35 U.S.C. 103(a) as being unpatentable over Schmeidler et al., U.S. Patent No. 6,374,402, in view of Carmel et al., U.S. Patent No. 6,389,473. However, the combination of Schmeidler et al. and Carmel et al. does not teach or suggest the invention as claimed in independent claims 1, 7 and 13. To the contrary, Schmeidler et al. and Carmel et al. teach away from the invention as claimed and to alter the cited references to achieve the claimed invention would go against the intended purpose of both Schmeidler et al. and Carmel et al. Therefore, claims 1-18 are not anticipated by the cited art.

More specifically, independent claim 1 recites:

A method for creating a synchronizer object in order to playback an event simultaneously on a plurality of a client apparatuses, comprising the steps of:

- (a) receiving a request utilizing a network for viewing an event;
- (b) queuing the request in memory;
- (c) creating an object in response to the request, the object adapted to playback the event on a client apparatus simultaneous with the playback of the event on the remaining client apparatuses upon the receipt of an activation signal; and
- (d) sending the object to one of the client apparatuses utilizing the network for being stored therein.

As such, the claimed invention is directed to the synchronization of simultaneous playback of an event.

To the contrary, both Schmeidler et al. and Carmel et al. are directed to on-demand or broadcasting of data, not of playback. Both describe multicasting similar to that described in the Background of the subject application. Both require realtime broadcasting of the media supplied to the viewer which require large bandwidth. As such, neither are directed to the synchronizing of a playback event simultaneously on a plurality of a client apparatuses as is the invention of the subject application. In fact, both Schmeidler et al. and Carmel et al. teach away from the claimed invention because both are directed to displaying data on-demand, in real time as the data is

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delivered to a client device. Alternatively, the claimed invention is directed to the playing back of events, which is directly contradictory to the intended purpose of both Schmeidler et al. and Carmel et al.

More specifically, Schmeidler et al. intentionally prevents playback of media data because the media data is "not downloaded, in its entirety, onto the PC," and is "never 'installed' on the target system." (Col. 2, line 57, and Col. 3, line 8). As such, Schmeidler et al. describes the playing of the media data as it is delivered, and specifically prevents the playback of media data. Therefore, it would be against the intended purpose of Schmeidler et al. to provide playback of stored data.

Further, Carmel et al. is directed to supplying and displaying media data "in real time." (Col. 2, line 9). Carmel et al. continues stating "[c]lients 30 connect to server 36 and receive the multimedia sequence, substantially in real time." (Col. 7, lines 5-4). Still further, the synchronizing established through Carmel et al. is the synchronization of a data stream to a single client such that "[t]he division of the data stream into slices and the inclusion of the slice indices in the data stream to be used by the clients in maintaining synchronization allows the broadcast to be on substantially in real time without the use of special-purpose hardware." (Col. 2, lines 17-21). This is not equivalent to the synchronization of the "playback [of] the event on a client apparatus simultaneous with the playback of the event on the remaining client apparatuses" as is recited in claim 1. The method for creating a synchronizing object as claimed would not have been obvious in view of Carmel et al. or in view of the combination of Schmeidler et al. and Carmel et al.

Neither Schmeidler et al. or Carmel et al. teach or suggest the synchronization of the playback of media data, nor to provide playback of an event simultaneous with the playback of the event on the remaining client apparatuses upon the receipt of the activation signal. Their combination does not teach the invention as claimed and in fact teaches away from the invention as claimed. Further, to alter either Schmeidler et al. or Carmel et al. to provide synchronized playback would go against their intended purposes. Therefore, the claimed invention would not have been obvious to one skilled in the art, and thus claim 1 is in a condition for allowance.

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Independent claims 7 and 13 include claim limitations similar to that of claim 1. Therefore, the arguments presented above for claim 1 can equally be applied to claims 7 and 13, and thus claims 7 and 13 are in conditions for allowance.

Further, with regard to claim 3 (and similarly with regards to claims 9 and 15), the Examiner suggests that "Schmeidler discloses the object is adapted to playback the event which is stored in memory of the client apparatus (e.g. col 3, lines 58-62)." (Office Action, page 3, paragraph 5). However, in the section cited by the Examiner, and specifically at column 4, lines 60-62, Schmeidler et al. specifically states, "an apparatus for executing an application without installing the application on the computer system. . . ." (Col. 4, lines 60-62, emphasis added). Claim 3, specifically recites, "wherein the object is adapted to playback the event which is stored in memory of the client apparatus." (Claim 3, emphasis added). Schmeidler et al. does not teach or make obvious the invention as claimed, and in fact Schmeidler et al. teaches way from the invention as claimed, because Schmeidler et al. specifically describes "enabl[ing] a title to be executed on the local computer system without ever being installed." (Schmeidler et al., Abstract, emphasis added). It would go against the intended purpose of Schmeidler et al. to provide an object "adapted to playback the event which is stored in memory of the client apparatus" as recited in claim 3. Therefore, claim 3 is not obvious in view of Schmeidler et al. and in fact goes against the intended purpose of Schmeidler et al.

Claims 9 and 15 include similar limitations as claim 3. Therefore, claims 9 and 15 are not anticipated nor obvious over Schmeidler et al. in view of Carmel et al. for at least the reasons provided above.

Claim 4 depends from claim 1 and claim 3, which have been shown above as not being anticipated or obvious in view of Schmeidler et al. and Carmel et al. As such, claim 4 is not obvious in view of Schmeidler et al. for at least the reasons stated above. Further, Schmeidler et al. does not suggest utilizing memory of the client apparatus that "includes a digital video disc (DVD)" as recited in claim 4. To the contrary, Schmeidler et al. specifically teaches away from using such memory. Schmeidler et al. specifically states in the background, as cited by the Examiner, that "'title(s),' are now capable of being remotely accessed" and as such a DVD is no longer needed. (Col. 2, line 1). Again, Schmeidler et al. specifically prevents utilizing data stored on the client

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apparatus. As such, Schmeidler et al. teaches away from playing back an event from memory of the client apparatus that includes a DVD.

Similarly, claim 10 depends from claims 7 and 9, and claim 16 depends from 13 and 15. It has been shown that claims 7, 9, 13 and 15 are not anticipated by the cited art. Further, claims 10 and 16 have claim limitations similar to those of claim 4, and as such similar arguments presented for claim 4 can equally be applied to claims 10 and 16. Therefore, claims 10 and 16 are also not anticipated nor obvious for at least the reasons provided above.

Claim 5 depends from claim 1 and further recites "wherein the object identifies a start time when the playback of the event is to begin on each of the client apparatuses." The Examiner cited col. 22, lines 59-66 to indicate that Schmeidler et al. teaches claim 5. However, column 22, lines 65-66 describe the start time as, "[t]he start time 806 and end time 808 define the lifetime of the token." (Emphasis added). The start time described in Schmeidler et al. does not identify "a start time when the playback of the event is to begin on each of the client apparatuses," as recited in claim 5. To the contrary, the Schmeidler defines a lifetime during which a title can be accessed, not when the playback of the title begins, nor when the playback of an event is to begin on each of the client apparatuses. There is no suggestion in Schmeidler et al. to initiate the beginning of an event on each of the client apparatuses. Thus, Schmeidler et al. does not teach or make obvious the invention as claimed in claim 5.

Further, claims 11 and 17 have claim limitations similar to claim 5. As such, these claims are also not anticipated for at least the reasons stated above for claim 5.

Claims 6, 12 and 18 are rejected under 35 U.S.C. 103(a) as unpatentable over Schmeidler et al., in view of Carmel et al. in further view of Bhola et al. (U.S. Patent No. 6,321,252). Claim 6 depends from claim 1 which has been shown above as not being anticipated or obvious in view of Schmeidler et al. in view of Carmel et al. Bhola et al. also fails to show that claim 1 is obvious. Further, to alter Schmeidler et al. or Carmel et al. to provide playback of an event would defeat their intended purpose and one skilled in the art would not alter the cited reference to achieve the invention as claimed. Therefore, one skilled in the art would not combine the cited references to achieve the invention as claimed, and thus claims 6, 12 and 18 are not obvious in view of the cited references.

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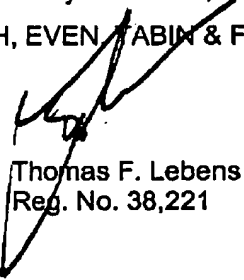
CONCLUSION

Applicant submits that the above remarks distinguishes the claimed invention over the cited references and that the claims are in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested. If the Examiner would like to discuss this application, please feel free to call the undersigned at the below telephone number.

Respectfully submitted,
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